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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
Against:

Case No. 2013-575

13 **VIDA MARIE CHENG**
14 **104 Laurel Avenue**
San Anselmo, CA 94960

FIRST AMENDED ACCUSATION

15 **Registered Nurse License No. 601962**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this First Amended Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about July 15, 2002, the Board of Registered Nursing issued Registered Nurse
24 License Number 601962 to Vida Marie Cheng ("Respondent"). The Registered Nurse License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 March 31, 2014, unless renewed.

27 **JURISDICTION**

28 3. This First Amended Accusation is brought before the Board of Registered Nursing

1 ("Board"), Department of Consumer Affairs, under the authority of the following laws. All
2 sections references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
4 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
5 licensee or to render a decision imposing discipline on the license.

6 5. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
7 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
9 Nursing Practice Act.

10 RELEVANT STATUTES AND REGULATIONS

11 6. Section 2761 of the Code states:

12 "The board may take disciplinary action against a certified or licensed nurse or deny an
13 application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ..."

16 7. Section 2762 of the Code states:

17 "In addition to other acts constituting unprofessional conduct within the meaning of this
18 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
19 chapter to do any of the following:

20 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
21 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
22 administer to another, any controlled substance as defined in Division 10 (commencing with
23 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
24 defined in Section 4022.

25 ...

26 8. Code section 4022 states:

27 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-
28 use in humans or animals, and includes the following:

1 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
prescription," "Rx only," or words of similar import.

2 (b) Any device that bears the statement: "Caution: federal law restricts this device to
3 sale by or on the order of a -----," "Rx only," or words of similar import, the blank
to be filled in with the designation of the practitioner licensed to use or order use of
4 the device.

5 (c) Any other drug or device that by federal or state law can be lawfully dispensed
only on prescription or furnished pursuant to Section 4006.

6 COST RECOVERY

7
8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 MEDICATIONS

15 10. "Labetalol" is the generic name for the medication Normodyne. It is prescribed for
16 the treatment of high blood pressure and is classified as a dangerous drug pursuant to Business
and Professions Code section 4022.

17
18 11. "Ceftriaxone" is the generic name for the medication Rocephin. It is an antibiotic
19 prescribed to treat bacterial infections and is classified as a dangerous drug pursuant to Business
and Professions Code section 4022.

20 STATEMENT OF FACTS

21
22 12. At all relevant times, Respondent was employed as a registered nurse in the Intensive
23 Care Unit at Marin General Hospital, ("Marin General") Greenbrae, California.

24 13. On or about February 16, 2011, Respondent assumed care of Patient A, an 82 year-
25 old male who had been admitted to Marin General on February 14, 2011, with a diagnosis of
26 sepsis due to pneumonia. Due to his infection, Patient A's physician ordered that he receive daily
27 at 2:00 p.m., an intravenous dose of Ceftriaxone.

28 14. At approximately 2:20 p.m., on February 16, 2011, Respondent withdrew what she

1 thought was Ceftriaxone from the medication cart and administered it to Patient A.
2 Approximately forty minutes later at 3:00 p.m., Patient A was noted to be severely hypotensive
3 which required emergency treatment. It was discovered that the intravenous medication
4 administered by Respondent was Labetalol, not Ceftriaxone as had been ordered.¹

5 15. Patient A sustained significant end organ damage as a result of his lowered blood
6 pressure. He began dialysis due to renal failure, but as his condition worsened Patient A opted
7 instead for comfort care. On March 3, 2011, Patient A expired at Marin General.

8 FIRST CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct – Medication Error)

10 16. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
11 Code section 2761, subdivision (a), and Code section 2762, subdivision (a), in that without a
12 physician's order she administered an intravenous dose of Labetalol to Patient A. The facts in
13 support of this cause for discipline are set forth above in paragraphs 12 through 15.

14 SECOND CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct – Violation of Marin General's Policies and Procedures)

16 17. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
17 Code section 2761(a), in that she violated the medication administration policy and procedure at
18 Marin General on February 16, 2011, when she administered the wrong medication to Patient A.
19 The facts in support of this cause for discipline are set forth above in paragraphs 12 through 15.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 601962, issued to Vida
24 Marie Cheng;

25 ///

26 ¹ Marin General's Medication Administration Policy No. 424.1.3 required that prior
27 to administering a medication the nurse verify the physician's order, identify the patient by two
28 identifiers, and observe the 5 rights of medication administration, including "the right drug to the
right patient at the right time in the right dose by the right route."

1 2. Ordering Vida Marie Cheng to pay the Board of Registered Nursing the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.

5
6 DATED:

April 10, 2013



LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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